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APRIL-JUNE 1981

CONTROL

Checkmate



Volume 9, Number 3

April-June, 1981

MBCC Urged to Spearhead Criminal Justice Unification

It was standing room only as 150 people attending a conference on the future of Montana's justice system June 4 and 5 in Helena heard Gov. Ted Schwinden decry the burgeoning crime rate in Montana and nationally and avow that the time has come to take the matter in hand.



Governor Ted Schwinden

state/local resources and on finding new sources of assistance.

Gov. Schwinden recalled that while going door to door in his campaign last year, he found people were very much concerned about crime and safety. "Appropriate justice comes from a concerned society," he said.

Attorney General Greely also welcomed the group and charged the Board of Crime Control with the responsibility of taking the initiative and acting as the unifier of the various constituencies in the system, and of being the mouthpiece and lobbyist for the whole justice system. He called on those present to "start on a justice system agenda for the common good—put the old differences behind and launch a new front against crime in Montana."

Dr. Nolan Jones of the National Governors' Association in Washington, D.C., described how various states have taken action on their own to develop new methods of meeting their own challenges concerning crime, independent of directives from Washington, D.C. Jones, staff director of the association's Committee on Criminal Justice and Public Protection, said, "This is what you're doing—meeting the challenge in your own unique way."

Two conference participants reminded the gathering that they had covered this ground before. Lewis & Clark County Sheriff Chuck O'Reilly recalled the two-year Montana Justice Project, which began in 1974. O'Reilly was assistant director of that project, the result of which was a book of legislative recommendations and good

intentions, but little came of it, he said. He warned that unless there is action as a result of this conference, we'll just go through it all again in a few more years.

Helena District Judge Gordon Bennett, a member of the Justice Project's Courts Task force, experienced similar feelings of



Attorney General Mike Greely

deja vu. "It is most important to realize at this time," he said, "that the system isn't with the public and the public isn't with the system; it doesn't understand the complexity. We need to sell ourselves, and do it forever, or it won't work at all."

This call came through loud and clear as the nine work groups pondered their own issues of importance: public involvement, public education, improving the system's image with the public, good media relations.

Another priority that was mentioned frequently involved the following: jurisdictional coordination, lack of knowledge of what others in the system do, coordination among agencies, communication among agencies—all were seen as vital to enabling agencies to work together harmoniously. One of the major constraints seen to achieving this was widespread jealousy over one's own "turf."

Funding was seen as an ever-present problem and training an ever-present need. It was suggested that the role of MLEA be expanded to include more basic schools for different system groups and that more staff be added. More state funding was en-

(Continued on Page 2)



Dr. Nolan Jones

Schwinden co-sponsored the conference along with Attorney General Mike Greely and the Board of Crime Control in order to assess the status of the system, wrestle with the major issues and constraints affecting criminal and juvenile justice, and frame the strategy for state support in future years. The concept for such a conference was approved by the Board during its March 27 meeting.

During the 1970s, federal (LEAA) support for justice improvement was abundant, but indications are that future efforts will have to rely on the most effective use of



MBCC Chairman Gordon Browder

MBCC Urged to Spearhead . . .

(Continued from Page 1)

couraged for courts, prosecution, and defense. At least two work groups approved the district attorney concept for Montana.

Other issues that arose, although not universally in the work groups, included the following: need for a statewide intelligence



MBCC Administrator Mike Lavin

system and statewide high-band radio communication capability; overcrowded jails and prison, need for prison and jail standards, need for alternatives to the present correctional system, such as more community-based correctional facilities; need for state funding for energy development impact areas; need to develop a curriculum for schools K-12 in citizenship and the justice system; need to address crime as a function of drug/alcohol abuse; need to examine the practice of plea bargaining and involve more people in the decision such as the victim and/or his family; need to identify juvenile group felony behavior and target on group leaders; need to lower the age of majority for those committing violent crimes; need to discourage use of "first offender" status; and, having only the relevant portions of case transcripts be submitted to the Supreme Court for review.

It now remains to be determined, as a result of the conference, what role the Board, as well as the branches of state government, will play in the future of Montana's justice system.

BOARD OF CRIME CONTROL

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JUVENILE JUSTICE TRAINING IS HUMMING UNDER LODELL

That once-heralded publication, the "Gunsmoke Gazette," referred to him in the following way: "Hatched from a granite egg—large of girth, heart, and conviction—a cavalry troop in a single pair of boots—can get a 'bunch-quitter' back to the herd, pronto!"

That, in a nutshell, is Jack Lodell. He's a man who has a knack for cutting through to the heart of a matter and homing in on solutions to problems.

Jack Lodell is Juvenile Justice Coordinator at the Montana Law Enforcement Academy in Bozeman. He's had that position since December 15, 1980. It's his task to recognize and define needs and arrange training for the juvenile justice sector of the system both at the Academy itself and in the field.



A. J. Lodell

Lodell had been the Board of Crime Control's Region II field rep for almost nine years before landing the job at MLEA. Prior to that, he was chief probation officer in Anaconda for 13 years and before that spent four years with the sheriff's department in Anaconda. Thus, he's seen several aspects of the system.

Lodell sees wearing this new hat as an agreeably formidable challenge. "There's a lot to do," he says. "The big thing is to bring departments together. We're all dealing with kids under the same laws." He says there is need and opportunity to exchange amounts of pertinent information within the system, starting with such basic matters as the Youth Court Act and establishing a ready network for contacts among agencies both for regular services and for emergencies.

Regional schools will be increasingly im-

Governor Greeted New Board at March Meeting

"While the level of violence may be less in Montana, I'm not so sure that the public's perception of danger is any less here than anywhere else in the country." So said Gov. Ted Schwinden on March 27 as he paid a visit to the Board of Crime Control conference room to officially greet the new Board.

As far as budget is concerned, Schwinden said, "We're obviously going to have to do more with less in relating to the public's concern in an area that's always been alien in Montana, where nobody ever thought about the threat of personal danger until recently."

For the Board to be discussing a new direction at this point is entirely appropriate, Schwinden said. With the move on the part of President Reagan and Budget Director Stockman to shift more of the responsibility for law enforcement to the states, which is as it should be, a considerable impact will be made on the money available for the kinds of efforts the Board has been involved in.

"The cutoff of federal funding is not an excuse to throw up our hands in despair, curse the federal government, and say nothing can be done because I don't think we can accept that alternative," he said. Schwinden added that his administration must put a high priority on addressing the whole gamut of crime problems the state faces.

portant in the future, he says, because budget crunches and varying interests favor holding many schools at locations other than Bozeman.

Lodell himself teaches juvenile justice procedures at the Academy's basic, intermediate, and advance schools. As juvenile justice coordinator, his training is not aimed only at juvenile justice workers, however, but in a larger sense at the system as a whole and even encompasses those working outside the formal system but in related positions such as school administrators, certain medical personnel, etc.

In March the Academy held a seminar on child abuse that included school workers (nurses, administrators) and featured Dr. Robert tenBensel, sponsored by the National Council of Juvenile Court Judges.

There was a school in Great Falls in April on drug/alcohol abuse that was held in cooperation with a local group called Citizens for Crime Prevention.

In May there was a course conducted by the National Council of Juvenile Court Judges for district judges, juvenile judges, probation officers, and county attorneys.

Steve Nelson, chief of the Juvenile Justice Bureau at MBCC, said the project Lodell heads at MLEA is important as the state's first attempt at comprehensive juvenile justice training.

CHARLEY BILL RIDES OFF INTO THE SUNRISE

Bill Wolfe, "Charley Bill," started workin for this here outfit in January, 1970, leavin the sun an fun of Florida way, way behind him an optin for whatever Montana had up her sleeve. That tenderfoot shore grabbed the brandin iron by the hot end.

Well, he took to it like a bear to a bee tree, an it took to him. He wintered out 11 seasons of blizzards, chinooks, an cabin fever. The winter of '78 was colder 'n a bartender's heart. Sometimes in summer it was so dry it seemed like it hadn't rained since Noah an the whole country looked like hell with the folks moved out. Sometimes it was so hot a fella could die an never notice any difference.

He shore was partial to our shinin mountains an he buried himself in history an lore. Even became proud owner of the Two-Bit brand, complete with a brandin iron made

by a gen-u-wine blacksmith whose shop stood right next to th office.

For a few years he spent his time batchin it, but he weren't averse to ridin the trails in his trusty pickup, shakin a hoof til he made the calico crack, an mebbe havin a couple swallars o that liquid fire now an then, singin in a coyote key.

Then one time he laid eyes on this gal from these parts, a gal pretty as a heart flush, name of Sharon, an they up an got hitched.

Now Charley Bill is headin out, packin up the wagon an sayin goodbye to the Big Sky. He's headin back to the land of palm trees, sun, white beaches, an hurricanes, where he an Sharon'll probably turn into real estate tycoons.

So this ink talk is for you, Friend Bill. Here's hopin you find the grass good an the



C. W. Wolfe

trail smooth, an that sickness nor sorrow don't find you.

In the words of Charlie Russell, "Like the rest of us, you have rode some lame horses, but the trail behind you will never be grass grone ore forgotton."



Schwinden Inks Bills Affecting the System

Gov. Ted Schwinden signed a host of criminal justice-related bills into law during and after the 1981 legislative session. Many of the new acts reflect today's more conservative thinking. Among those signed were the following:

HB9—To make the law relating to good time allowance for state prisoners more restrictive;

HB209—To broaden the courses of action a judge may take in insuring a fair trial;

HB300—To enact the provisions of the model drug paraphernalia act;

HB301—To increase the ability of victims of criminal mischief to recover damages from the offender;

HB364—To provide for mandatory sentences for driving a motor vehicle while under the influence of alcohol or drugs;

HB405—To provide for preliminary injunctions and temporary restraining orders to protect a person from abuse from a spouse;

HB698—To provide that a defendant who is given a court-appointed counsel may be requested upon conviction to repay costs of counsel;

HB733—To provide for the recording and distribution of sentencing data pertaining to performance of district court judges;

HB824—To include in the crime of aggravated assault the inflicting of bodily harm upon a person responsible for the care or custody of a prisoner;

SB216—To delete the state law requiring district and Supreme Court judges to complete all cases in 90 days;

SB300—To require the Department of Administration to make grants to district courts;

SB381—To provide for disclosure of ju-

Management Training Article Neglected Advisory Group

The last issue of Checkmate included an article on the management training program at MLEA but neglected to mention the part played by the Criminal Justice Management Training Advisory Group that first determines what the system's needs are that will be met by the management courses.

After training needs are determined, POST Director Clayton Bain obtains bids from various providers such as Theorem Institute and Northwestern University Traffic Institute. Then the group decides, using several criteria, which bid it will accept and the course becomes part of the Academy curriculum.

Members of the advisory group are: Jerry Johnson (Chairman), Chief Probation Officer, Missoula; Mike Abley, Supreme Court Administrator; Dale Dye, Ravalli County Sheriff; Sabe Pfau, Chief, Missoula Police Department; Jim Burgess, Training Supervisor, Corrections Division of the Department of Institutions; Marc Racicot, Prosecution Coordinator, Department of Justice; Jack Wiseman, Management Training Coordinator for MLEA; Clayton Bain, POST Director; and, Lt. Col. Bob Griffith of the Highway Patrol. This group does not meet regularly, but only when needed.

venile arrest records and court proceedings and files in certain cases;

SB468—To raise the maximum jurisdictional amount in civil cases in justices' courts to \$3,500;

SB485—To create a small claims court procedure within justices' courts, re-establishing the state small claims court system following its recent demise under a Supreme Court ruling.

Checkmate Is Biting the Dust

This is the final issue of Checkmate. After eight and a half years, which is a very long life for a newsletter, it must be dying of old age.

As writer of Checkmate for the last almost seven years, I too am going. To whoever out there reads this little paper, I want to say goodbye.

I came here a city kid from the flatland whose only contact with law enforcement had been at the end of a tremblingly professed driver's license.

I had never been within arm's length of a bureaucrat.

Well, what did I learn, what did I gain?

At the risk of sounding dopey or simple, I learned that justice system personnel are real people with real problems and a real hard job, and that they are to be applauded for choosing and staying with their professions. By and large they are sincere, sensitive, and intelligent women and men who are dedicated to improving themselves and the service they provide.

I think the LEAA program helped make things better than perhaps they have ever been, but there's still plenty of work to do. It's going to be tougher now.

How can I overlook those fine media people who have, almost without exception, treated the Board and me with interest and fairness over the years? Some pretty outstanding folks. It was a privilege to know them.

Finally, I dearly hope that I gained some good stuff for my inner self which I will carry with me always and which is probably too heavy to describe here.

Thanks for your help, everyone.

—Terry Hoskins, Editor

Go placidly amid the noise and the haste and remember what peace there may be in silence.

As far as possible without surrender, be on good terms with all persons.

Speak your truth quietly and clearly, and listen to others, even to the dull and ignorant; they too have their story.

*With all its sham, drudgery, and broken dreams,
It is still a beautiful world.*

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Montana Board of Crime Control
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October, 1980-March 1981

Schwinden Names Nine to Fill Board Slots

Governor Ted Schwinden has named nine people to fill vacancies left by Board of Crime Control members whose terms recently expired. Meet the new members:

Pedro Hernandez, Justice of the Peace in Yellowstone County since 1975. He has been an active member of numerous community and professional organizations and an appointee to several city-county committees. He replaces Don Bjertness, city judge from Billings.

Ellis (Gene) Kiser, a 19-year veteran of the Billings Police Department and its chief for the last four years. In addition, he is president of the Montana Police Chiefs Association. He replaces Jack Anderson, Great Falls Police Chief.

Glenn Osborne, a long-time member of the MBCC Region III Advisory Council, has worked in the Cascade County Sheriff Department since 1957. He was appointed sheriff in 1977 and won election to the office in 1978. He replaces Flathead County Sheriff Al Rierson.

Harold Hanser, Yellowstone County Attorney since 1970, and member of the Montana Youth Justice Council since its inception in 1975. He replaces Missoula County Attorney R. L. "Dusty" Deschamps.

Bill Gould, Lincoln County Commissioner since 1978 and currently a tree farmer by occupation. A resident of Montana since 1972, he previously worked as an educational consultant, research economist, and aerospace engineer. He replaces Roosevelt County Commissioner James Halverson.

Kathleen Henson, a businesswoman from Superior, replacing former State Prison Warden Roger Crist.

Kenneth Rustad, farmer-rancher from the Baker area, and Fallon County Commissioner for 24 years. He served as president of the Montana Association of County Commissioners and of the Western Region District (13 states) of the National Association of Counties. He replaces Dr. John Pfaff of Great Falls.

Rex Manuel, Fairfield, currently serving his sixth term in the Montana House of Representatives, served as chairman of the Teton County ASCS Committee for seven years and was deputy district governor of Lions International. He replaces former State Representative Mike Meloy.

Carroll South, director of the state

Department of Institutions, and State Representative from Miles City for six years, for two years serving as chairman of the Legislative Finance Committee. A long-time building contractor in Miles City, he was also on the City Council. He replaces Larry Zanto, the previous Institutions Department director.

Board members who were reappointed are District Judge James Sorte of Wolf Point, Supreme Court Chief Justice Frank Haswell, and Dr. Gordon Browder of Missoula. In renaming Browder as chairman, Schwinden pledged his support of the board.

Members whose terms are continuing are Attorney General Mike Greely, Supreme Court Administrator Mike Abley, Butte-Silver Bow Chief Executive Don Peoples, Youth Justice Council Chairman Carle O'Neil of Columbia Falls, Chief Probation Officer Jerry Johnson of Missoula, and State Senator Frank Hazelbaker of Dillon. The total number of members is 18.

The Board will meet on March 27.

Equipment Exchange May Be Just the Ticket for Law Enforcement Departments

When the Teton County Sheriff Department changed its patrol cars from large to mid-size models, it ended up with at least one electric gun lock and four safety shields that didn't fit the new smaller cars. These items were originally purchased with MBCC grants. Also not being used was a lowband law enforcement radio system, not MBCC-funded.

As this type occurrence has probably happened or will happen in other agencies around the state, and as the "retired" articles are often in usable, if not almost new condition, some type of inventory exchange might be useful whereby all this unused equipment could be bought, sold, or traded, monetarily benefiting all agencies involved, especially small agencies with limited budgets.

Any agency wishing to either advertise retired equipment, MBCC-funded or not, or to acquire other equipment mentioned in this newsletter may contact the editor (Terry Hoskins) and the process could be set in motion.

Executive Order Restores Youth Justice Council

Under a new executive order, Governor Ted Schwinden recently named 17 people to the Montana Youth Justice Advisory Council, the policy-making group that oversees Montana's involvement in the federal Juvenile Justice and Delinquency Prevention Act, which was reauthorized by President Carter. (See Article on page 2.)

The Youth Justice Council now includes the following members:

Carle O'Neil, Chairman, Columbia Falls

Bryce Johnson, Chief Juvenile Probation Officer, Hill County, Havre

Beth Winter, Miles City

Jeff Langan, Executive Director, Friends to Youth, Missoula

Andree Deligdisch, clinical social worker, Great Falls

Joe Gottfried, Toole County Commissioner, Shelby

Chuck O'Reilly, Lewis & Clark County Sheriff, Helena

Stephanie Filmer, Mountain View School for Girls, Helena

Carol Chatlain, Billings

Harold Hanser, Yellowstone County Attorney, Billings

Hon. James Wheelis, District Judge, Missoula

Rep. Dan Yardley, Livingston

Geoff Birnbaum, Executive Director, Missoula Youth Homes

Randi Beaver, Missoula

Mike Meloy, Attorney, Helena

Dorel Hunt, Billings

Sen. Tom Towe, Billings

This newly constituted Council will meet on March 26 and 27 in Helena.

JJDPA Is Reauthorized; Montana's Participation Will Be Continued

In December, 1980, President Carter signed the Juvenile Justice Act reauthorization measure, extending the JJDPA and the Runaway and Homeless Youth Act through FY1984.

Carter called the JJDPA important because it has demonstrated many new alternatives to traditional methods of dealing with children in the juvenile justice system.

New Act More Stringent

The principal requirements of the act build upon mandates of the previous act in two main areas: separation and deinstitutionalization of status offenders.

Previously, juvenile criminal offenders could be placed in adult jails provided they were separated from the adult offenders. Under the new act, juvenile criminal offenders may not be held in adult jails at all.

This major reform effort is to be accomplished within five years, with states that are in substantial (75%) compliance at the end of that time being granted up to two additional years to achieve full compliance if the state has made an unequivocal commitment to achieving full compliance.

Special regulations with respect to the detention of juveniles will recognize the special needs of areas characterized by low population density. These regulations will permit the temporary detention in adult jails and lockups of juveniles accused of serious crimes against persons, where no existing acceptable alternative placement is available.

In a state like Montana, building separate secure facilities to replace each of the county jails currently holding juveniles would not be feasible. A possible alternative would be building large regional detention centers, but this contradicts a long-standing MBCC policy against construction of such facilities.

Other states in this predicament are looking into providing a secure room in a hospital, since a hospital is likely to exist in or near a small community, and contracting for use of that room when needed. Or, a secure room could be provided in an already existing detention home.

An alternative for non-secure shelter could be developed, for example, under the aegis of churches in various communities, since church facilities are usually found throughout sparsely populated areas.

In conjunction with the mandate for total removal of juveniles from adult jails in seven years, the Office of Juvenile Justice, newly created within the Justice Department, is required to make a study of the impact of the removal mandate to determine how much of a financial burden it would constitute nationwide (they currently

(Continued on Page 4)

Montana's Warden Crist Takes Cabinet Post in New Mexico

In late October, Roger Crist, warden of Montana's State Prison since 1972, accepted a three-year contract as Secretary of the New Mexico Department of Corrections. He was chosen after a nationwide search to find someone to head that state's troubled correctional system.

While Crist was Montana's state prison warden, in New Mexico he will oversee that state's eight correctional institutions, juvenile probation and parole services, and community corrections.

One of his first tasks was to hire a permanent warden at New Mexico's penitentiary. He has the state Corrections Commission acting as an advisory body to him as corrections secretary.

Crist indeed has a national reputation in the field. He had been president of the American Wardens' Association and West Central Wardens' Association and last fall was named national "Warden of the Year" by the North American Wardens' Association.

Crist started his career in corrections as a psychology-sociology student at the University of Minnesota, working as a parole agent during some of his college years. His career includes two years with Minnesota's corrections system and 13 years with Wisconsin's.

Appointed to the Board of Crime Control in February, 1972, Crist was one of its most outspoken and active members until his recent move necessitated resignation of that position. He unwaveringly supported improvements to the old prison and ultimately saw the completion of a new prison complex a few miles removed from downtown Deer Lodge that has served as an example for modern prison design in the United States.

At both facilities Crist fostered not only physical upgrading but continuing programs for inmates—counseling and evaluation services, athletic activities, and academic and vocational courses. In addition, he initiated in-service training to advance the expertise and professionalism of prison workers. These programs were all funded by the Board of Crime Control.

In Montana, Crist used his philosophy of a "reasonable living concept" to encourage inmates to progress from high-security cell-blocks to less restrictive environments as long as they obeyed the rules. Montana's new prison worked harmoniously with that philosophy, having been designed to accommodate it.

A permanent warden is still to be chosen to replace Crist in Deer Lodge.



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Chairman Gordon Browder, right, presented Crist with tokens of appreciation at the warden's last board meeting.

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Effects of Budget Cuts Will Be Far-Reaching

Attorney General Mike Greely wants the individuals and agencies who use the services of the Montana Department of Justice to be aware of the potential effects of legislative actions on the department's budget. "The Legislature's action on our budget thus far promises both positive and negative effects on our services to local agencies," Greely said.

Though the appropriations process is not yet complete, the full House Appropriations Committee has acted on the Department of Justice budget. The Senate must now approve or amend that budget.

On the positive side, Greely applauded the Appropriation Committee's approval of new equipment for the statewide Law Enforcement Network Services (Telecommunications System). The Committee voted to fund the replacement of 46 computerized communication terminals in the field, and the purchase of four more new field terminals.

The Montana Law Enforcement Academy, though forced to economize generally, received Committee approval for a regional training monitor to ensure certification by the Peace Officers Standards and Training (POST) Advisory Council of training held outside the Academy.

The Committee voted to add three people to the staff of the Criminal Identification Bureau to automate and maintain that agency's service to local law enforcement. Since the Attorney General had requested four people, the Committee's action will have a serious effect on the Bureau's efforts to bring its system up to minimum standards.

The Criminal Investigation Bureau was denied its request for two additional investigators to handle the skyrocketing number of requests for its services from local agencies. Greely said this action, too, should warn local sheriffs and police chiefs to expect limitations in obtaining help from the state's three criminal investigators.

In acting on the Division of Forensic Science budget the Committee cut Greely's request for two more forensic scientists in the crime laboratory down to one. The Committee then abolished the position of Director of Forensic Services (assistant to the State Medical Examiner) and replaced it with a clerical position. Greely said this cut-back will have a profound effect on the state's new medical examiner system and will necessitate a re-evaluation of the philosophy of how the system will operate. Praising the Committee's recognition that Montana needs such a system, however, he said, "The Legislature and the Department of Justice have come a long way on this program."

Greely scaled down the Highway Patrol's original request for 20 new officers to 16,

MLEA Assesses Management Training And Plans for the Second Year

At the end of 1980, the Management Training Program at MLEA completed its first year curriculum, which was distinguished by notable instructional personnel, outstanding achievement by students, and timely, relevant subject matter.

The curriculum comprised six courses. One, dealing with criminal justice management, graduated 32; Northwestern University Traffic Institute (NUTI) provided the instruction. Two first line supervisory courses were also taught by NUTI with 62 graduating.

Criminal justice jail management was taught by Lynn Lund, then of Theorem Institute, San Jose, California. Lund, a Salt Lake City attorney formerly with the National Institute of Corrections, is known for his jail management courses. Twenty-three students graduated from this course.

Lund returned to teach a course on legal aspects of personnel management later in the year. In the past, he successfully defended law enforcement administrators in lawsuits brought by prisoners relating to civil rights violations, jail standards violations, and cruel and unusual treatment.

DC Court Project That Gets Defendants to Appear Earnings Exemplary Designation

A Washington, D.C., court project that has virtually eliminated the failure of defendants released on their own recognizance to appear in court and reduced its case costs nearly 90 percent has been named an Exemplary Project by the National Institute of Justice (NIJ).

In 1979, 95 percent of all defendants recommended for release on their own recognizance by the D.C. Pretrial Services Agency appeared for their hearings.

In addition, 90 percent of all defendants released on some other form of non-financial release also met their court appearances.

This compares with an 82 percent rate for such defendants in Miami, 86 percent in Louisville and San Jose, and 87 percent in Tucson.

Virtually every defendant appearing before the District of Columbia misdemeanor and felony courts is contacted by the agency, which began in 1963. The agency conducts some 25,000 interviews each year. In 1979, the agency:

—Interviewed 4,489 persons charged with criminal violations and several thousand persons charged with misdemeanors.

but the Committee approved only seven. "Seven more are better than none," the Attorney General said, "but we're still fighting a losing battle against death and destruction on our roads and highways. We'll do the best we can."

Some of the legal aspects relate to hiring, discrimination, discipline, and termination. Twenty-seven students graduated.

A productivity seminar was led by Theorem's Steve Neel; 15 graduated. Neel tied in productivity with budgeting, discussed setting obtainable goals and strategies for implementation, and covered various measures of productivity.

In all, 159 students graduated from these courses at an average cost of \$400 each. Students gave three of the courses top evaluative rating and the remaining three more than 80 percent favorable rating.

Now, second year funding will enable the Academy to present one-week courses at the supervisory, command, and administrative level so that law enforcement personnel may qualify for certificates at those levels. Fewer long courses will be held in Bozeman; instead, a number of two and three-day workshops will be conducted on special topics in the field.

POST Director Clayton Bain announced that 135 certificates were awarded to law enforcement students in 1980: 89 basic, 30 intermediate, and 16 advance.

DC Court Project That Gets Defendants to Appear Earnings Exemplary Designation

—Prepared pretrial release reports on 13,701 defendants.

—Processed 76,719 check-in telephone calls and 16,135 check-in visits.

—Mailed 35,550 notifications of court appearances.

Through the use of computers, the agency has reduced the cost per case to \$10 from \$95, reduced staff size, eliminated outmoded functions, and increased efficiency. The staff numbers 45, about half of whom are law and graduate students hired on a temporary basis.

The success of this program is based largely on a thorough screening of all arrestees, according to NIJ. The staff collects a thorough criminal history from the defendant, checks police and court records, and contacts references, family members, and employers to confirm the defendant's statement.

It measures this information against formal criteria, then recommends non-financial or conditional release to the courts or, in the case of misdemeanants, to the police.

If the judge orders a defendant's release, the agency makes sure he meets all of the court's conditions and notifies the defendant of any developments in his case.

The most recent innovation in the program is an experimental "Failure-To-Appear" unit that was set up in October, 1979, to forestall execution of warrants for defendants who missed a court appearance.

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BJS Publishes Report on Parole Statistics in U.S.

A three-year study of the parole experience of the 64,000 people paroled during 1974 and 1975 has found that only 25 percent had their paroles revoked or were returned to prison before their paroles ended, according to the Bureau of Justice Statistics.

The bureau, which is a Department of Justice agency, also said that an estimated 196,500 men and women were on parole from federal, state, or local corrections institutions in the U.S. at the end of 1979.

The nationwide figure represents an increase of 11,400 parolees over the 185,000 people on parole at the end of 1974.

There were 301,800 inmates of federal and state prisons at the end of 1979 compared to 218,500 inmates at the end of 1974, the bureau said.

The statistics appear in the report "Parole in the United States: 1979," which was prepared for the bureau by the National Council on Crime and Delinquency based on data voluntarily provided by the states and territories. Among the report's other highlights are the following:

In addition to the 196,500 people on parole at the end of 1979, there were 25,000 people under the jurisdiction of parole authorities who were mandatory releasees; that is, prisoners released to community su-

pervision as a result of good time or other statutory sentence reduction measures.

The trend toward reduced discretion for both sentencing judges and paroling authorities continued during 1979, and by the end of the year 29 jurisdictions in the country (55 percent) had structured sentencing and/or parole decision-making.

There were about 590,772 cases under the supervision of parole or community supervision agencies at the end of 1979. The total caseload includes probationers, juveniles, pretrial diversion cases, and civil drug cases as well as people on conditional release. There were 8,303 staff persons in charge of those cases, which is an average caseload of 71 people.

There was a substantial increase in parole use in the southern and northcentral states between 1965 and 1978.

Conditional release constituted 75.6 percent of all prison releases during 1978.

The 48-page report, which is a part of the bureau's Uniform Parole Reports series, contains a variety of other information, including data on individual state caseloads and the like. Single copies may be obtained from the Bureau of Justice Statistics, Washington, D.C. 20531.

JJDPA . . .

(Continued from Page 2)

estimate it would cost \$24 million to achieve this separation nationally and of the impact on kids and the system (it is felt that when the facility is not an actual jail, the tendency is to hold more kids and hold them longer because the place is "OK.") The study will take 18 months to be completed, but meanwhile the states have to be working toward achieving the mandate.

The other major mandate of the act addresses deinstitutionalization of status offenders removal of all status offenders from jails and correctional facilities. A "catch" allows, however, that a status offender who violates the terms of a valid court order (e.g., probation) may be held in a secure facility, but there will be strict guidelines to govern this situation.

Montana has achieved 80% removal of status offenders from jails.

The act also contains language about violent and serious offenders, suggesting the problem be addressed. Montana is progressing with a study whose results should clearly define criteria for identifying this type of offender within the system.

Traffic Institute To Offer Courses

Northwestern University Traffic Institute, Evanston, Illinois, announces the following seminars and workshops in May:

Hostage Negotiating Course

May 4-8

Arson Investigation Seminar for Public

Safety Agencies

May 11-15

Seminar on Legal Problems in Police Administrations

May 18-20

Federal and Private Grants Workshop for Law Enforcement Agencies

May 18-20

Supervision of Police Personnel

May 18-29

For information, contact The Traffic Institute, Northwestern University, 555 Clark Street, Evanston IL 60204.

States' Obligations Modified

Other aspects of the act change some of the requirements for the states that participate. For example, the state advisory group (Youth Justice Council) minimum membership is reduced from 21 to 15 and that group must include a locally elected official and someone who works in special education. One-fifth of the members should be "youth members" under age 24. In addition, the group must make annual recommendations to the governor and legislature and seek regular input from juveniles currently under the jurisdiction of the system. (See accompanying article about the new Youth Justice Council.)

The state is also required to submit a three-year plan with annual program updates, performance reports, and description of the state's status in terms of compliance with statutory plan. The state plan will now be required to include a juvenile crime analysis, determination of program needs, description of services to be provided under the plan, and performance goals and priorities. Programs planned for implementation must then be related to other existing or planned state or local programs that will address the problems identified. Coordination of all state juvenile delinquency programs must be planned.

The Carter budget allocated \$325,000 for Montana; however, the status of that budget is now in the hands of President Reagan.

DC Court Project . . .

(Continued from page 3)

About 50 percent of the warrants executed were really not the result of any willful failure to appear on the part of the defendant, but officials issuing the warrants did not know this. In some cases the defendants did not even know where they were supposed to appear, had a literacy problem, had no phone, or were not receiving their mail.

Often a defendant would be taken from his home in handcuffs, kept in jail, and sometimes lose his job. "The whole process was very costly and very disruptive," said Bruce Beaudin, agency director.

Beaudin said that the new unit attempts to locate defendants who fail to appear, notifies the court of their whereabouts, and encourages them to surrender to the court. He said as a result of the unit's work, the percentage of warrants executed has dropped from 35 percent in 1971 to 2 percent at present.

CHECKMATE

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July-September, 1980

Crime Prevention Group Holds Workshop In Lewistown

Nearly 30 crime prevention officers attended a two-day workshop in Lewistown September 10-12. Mac Gray, head of crime prevention for the National Council on Crime and Delinquency in Hackensack, N.J.

The workshop included a segment on establishing a data base using the new computerized UCR data and reporting system that is supposed to go into operation on January 1. Bill Erwin of the state Department of Justice, who was heavily involved with crime reporting and analysis during his years at the Board of Crime Control, said the new system will make it easy for departments to measure the success of their crime prevention programs; for example, will make crime-specific planning easier. Having hard data, he said, carries more weight than giving value judgments in assessing a program by saying, "We think it worked."

MBCC's Larry Petersen said the system will be put into operation first in three locations, tentatively selected as Great Falls Police Department, Bozeman Police Department, and Lake County Sheriff Department, to begin November 1.

Ron Alles, former president of the state Crime Prevention Association, described some dilemmas of crime prevention: why is it the responsibility of law enforcement to see that individuals lock their houses and not the responsibility of individuals? When a small business suffering losses due to, say, shoplifting, undergoes a security survey and then does not follow through and install a surveillance system, but continues to suffer losses, what do you do? When a large store tells you it figures on losing \$1500-\$2000 a weekend to merchandise theft, what role can a crime prevention officer play? With loss built so firmly into the system, he said, it would be too costly to change the emphasis now.

Mac Gray, as director of crime prevention for NCCD, has been involved with the development of the National Ad Council's campaign in which it uses the trenchcoated dog, McGruff. Tracing the philosophy underlying the campaign, Gray said the

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Council's basic research found people feel crime is inevitable, think it is the responsibility of the police and not of themselves, and are apathetic about the matter. The Council wanted to change these attitudes as well as allay the unwarranted fear of crime that some people have. It wanted to instill a general sense of responsibility and get people to realize they do have a stake in what happens.

The objective that evolved, then, for the ad campaign was three-fold: to educate (most people have no idea how few crimes are solved; e.g., 18% of burglaries nationally, and that prisons are already stacked full of people); to communicate (that individual action can reduce crime); to offer easily accessible opportunity for direct action. Yet all this was to be done without invoking fear in the citizenry.

The Council pondered many animal characters before it settled on the dog that became McGruff. They decided,

is a ubiquitous character, one whose essence depends on who the person looking at him is; therefore, he can be universal in appeal.

The goal is a campaign and character that zero in on both the problem and the solution. Gray cited, for comparison, the fine point to which the national fire prevention campaign has come: a simple graphic showing Smokey the bear and the words "Only You." Who among us doesn't know what that means?

Law enforcement departments can get up to 50 free crime prevention booklets or up to 500 for special projects by writing to the Crime Prevention Coalition, P.O. Box 6600, Rockville, Maryland 20850. They should write the request on their own stationery, and if they request 500 booklets, they should describe the special project they have planned.

Because of copyright, permission is needed.
(Continued on Page 3)



Mac Gray emphasizes a point at Lewistown workshop.

Bad Check Problem Challenges Missoula

We all enjoy the convenience of acquiring goods and services by writing a few tidbits of information on oblong-shaped slips of paper that often sport pictures of flowers, wildlife, scenic vistas, or signs of the zodiac, and presenting these papers to vendors. These little substitutes for cold, hard cash are so easy to spend—it hardly seems like spending at all, until that time of reckoning when we grudgingly subtract them from the balance in the checkbook.

For many people in and around Missoula, however, writing checks demonstrates no connection with convention,

future, trying to take advantage of the system; they are people who write checks for cash at a food store and don't have the cash in their accounts; they are transients who leave bad checks with a truck stop or car repair place; they are unwitting passers who believe the money is in the bank or are just careless and unaware of what their bank balances are.

The Circle Widens

Many people are drawn into the picture in one way or another at this point: retailers/merchants, banks, police/sheriff;

alienate potential customers, who can always take their business to another bank that will treat them more generously. Banks are busy, too, and it takes time to look into personal information.

Many feel the law is to blame; that the way it reads, a person goes unnoticed too long while writing bad checks. No felony charges can be filed until a person has written bad checks worth \$150 or has written three or more—at that point a "common scheme" can be demonstrated.

Although people who have received bad checks often call the city police (or sheriff) to complain, expecting law enforcement to collar the passer and/or collect on the debt, most business people are now aware that the police have no official role in a bad check case until the matter is being prosecuted by the county attorney's office. Then the police department takes statements from the person involved and ultimately arrests the check writer.

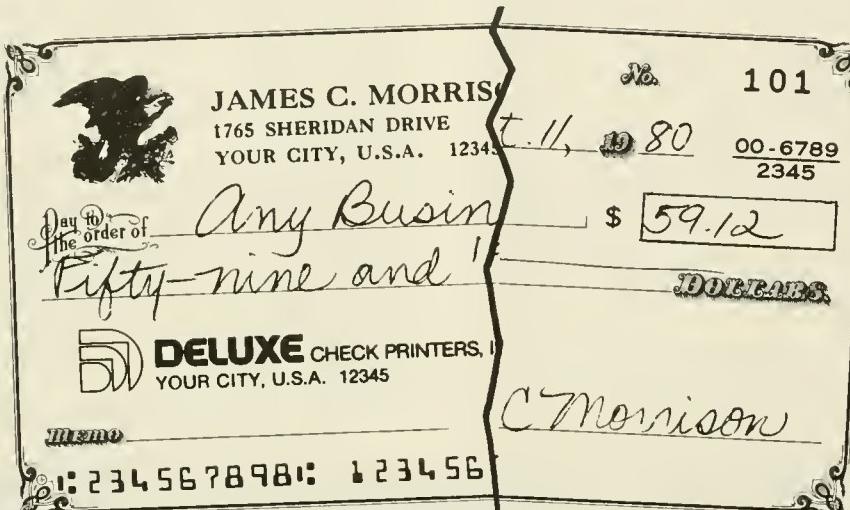
Looking at the Positive

So far the picture looks pretty bleak. However, there are efforts underway to reduce the problem.

The office of the Missoula County Attorney is unique in that it employs someone full-time, Administrative Assistant Linda Robbins, to handle checks. Robbins says her office is probably more inclined to prosecute on checks than other attorney offices where no one works full time on the problem.

At her office, criminal charges are filed in cases where the value of bad checks (no-account or NSF checks) exceeds a \$30 minimum: this is a misdemeanor. Felony charges are filed as mentioned above (value over \$150, three or more checks passed).

Robbins' office has drawn up its policy on checks and made it part of an informational package prepared by Officer Weigel called "Crime Prevention Strategies for All Businesses."



honest dealings, or possession of actual money. Missoula has the dubious distinction of having a flourishing bad check problem.

Officer Mike Weigel of the Missoula Police Department reports that according to county attorney figures, bad checks now constitute the number one crime problem both in number of incidents and amount of money involved.

According to Weigel, white collar crimes, computer crimes involving fraud, embezzlement, and bad checks are becoming far more numerous recently.

How They Do It

Often what happens is a person opens a checking account under a false name and address or even a fake business name. He then uses the counter checks the bank initially supplies, or even the regular checks if he hasn't been stopped yet. At that point he may pull up stakes and disappear. Because of the length of time that can pass before he comes to the attention of the law, he can be long gone from the area.

Various other types of bad check passers are being seen in Missoula, too. Far from "professional," they are people who write checks against an amount of money that may or will appear in their accounts in the

county attorney, collection agencies. When each lays blame on the next one, there is a certain amount of truth to the accusation.

Some say merchants are to blame. Sometimes they are too busy or too lax to call for and examine proper identification of a check writer; they are reluctant to reject someone's check if ID is not suitable; they are afraid to offend a customer. Some would rather take the chance of getting a bad check just to make more sales; some allow for a certain amount of loss due to bad checks, among other things. Some experience a high degree of employee turnover, making it difficult to properly train each salesperson as to the policy for accepting checks; many have help who are only working part time to make ends meet and don't feel any particular responsibility to the store.

Then there are the banks. Some say they make it too easy for a person to open a checking account, requiring only a nominal deposit to start the account, supplying a generous number of counter checks, not thoroughly checking the information the person gives upon opening the account. Some are accused of not even closing an account that is having bad checks written on it.

For their part, banks do not wish to

BOARD OF CRIME CONTROL

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CRIMES CONTROL 2

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Drawing a profile of the passer and the retailer he/she hits, Robbins says university students are infrequent offenders but she sees a considerable number of cases where the passer is a single parent, often a woman, caught in the pressure of trying to support a family on a limited income. Sometimes the passer is a person with problems and expenses relating to alcohol abuse. Many passers, Robbins says, don't see the "rules" as applicable to them.

Retailers that seem to be frequent targets are bars, small convenient-type stores, and vehicle repair places.

Robbins suggested it might be effective to make it harder to get checks and write bad ones "up front," since at present that part seems so easy for anyone to do. She would like to see the banks tighten up, require more identification, check it more carefully, require a larger initial deposit, issue fewer counter checks, and perhaps monitor accounts that seem in trouble and close them promptly if abuse continues.

A Bank's Response

Jean Boyce, a spokesperson for First Security Bank in Missoula, says getting more identification from a person seems no safeguard against fraudulent use. She notes the banks are becoming very cautious now: her bank has raised its minimum deposit for opening a checking account to \$100, is checking out its applicants more thoroughly, and is thinking about not giving counter checks at all. If there were a change in the law, she says, banks could take action if they merely suspected fraud.

All the area banks belong to a system called CHEX, which provides information as to whether a person's account has been closed somewhere else.

Boyce blames the shaky economy for the

surge of bad checks and the increased number of forgeries she sees.

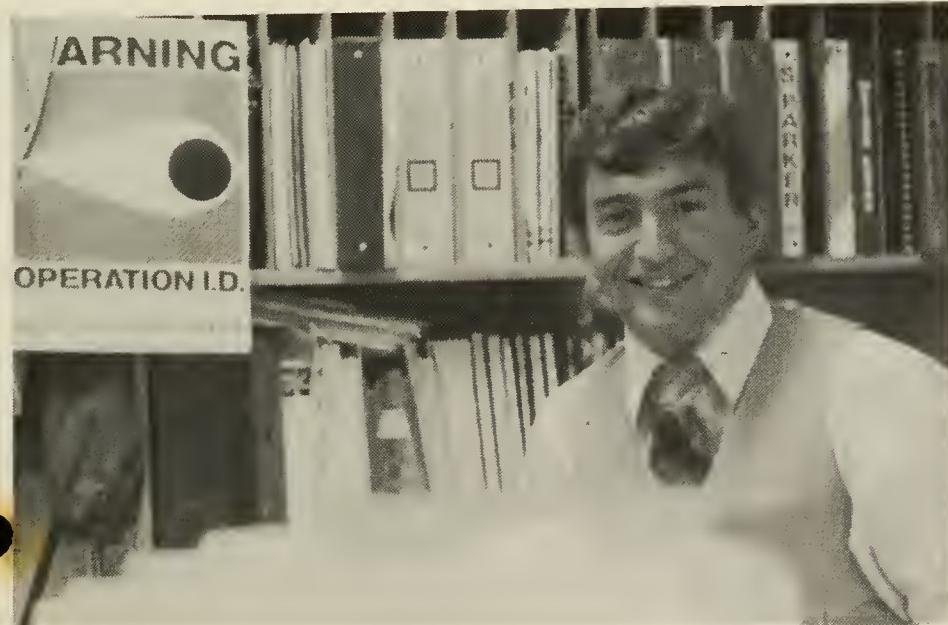
Looking Good at Southgate

Tom Schussler, head of security at Southgate Mall, says the bad check problem there is actually less serious than at other places in Missoula because of its security. Using a daisy chain warning system, if a retailer receives a bad check, within five minutes every other store in the mall can be notified and the passer stopped before he has a chance to write another check. Where the system breaks down, Schussler says, is when someone at a store is too busy at the moment or forgets to pass along bad check information he/she might have received. This apparently is one of the reasons for the demise of the "check alert" system started by the Chamber of Commerce several years ago.

Southgate security exchanges check information with large stores that have their own security systems, like LaBelle's and K-Mart. It has a training program in the mall that offers seminars for retail workers; it produces a small newspaper for the merchants. Schussler says attendance and interest in the seminars have not been quite as high as he hoped, possibly, in his opinion, because of the philosophy of some stores that they will tolerate a certain amount of loss, and only when that amount exceeds a pre-set figure will they do something about it.

He sees the bad check problem more prevalent at night, both in the mall and other locations, because in many instances the stores are less well-manned, often with part-time workers who are students or with other inexperienced, non-professional salespeople, and this can make it easier for someone to pass a bad check in the store.

(Continued on Page 4)



Mike Weigel in his office at the P.D.

News From P.O.S.T.

POST Director Clayton Bain announces a proposed revision in the Administrative Rules of Montana concerning the certification requirements for basic peace officer training, additional requirements for the basic, intermediate, and advanced equivalency tests, and procedures and guidelines for background investigations of peace officer candidates.

At its meeting September 3, the POST Advisory Council voted to recommend to the Board of Crime Control two changes in the Administrative Rules of Montana: that "the trainee enrolled in the basic course shall achieve a firing qualification score of not less than 70% (instead of 65%) out of a possible 100% to receive credit for certification," and that "the trainees enrolled in all other courses which include range firing in the curriculum shall achieve a firing qualification score of not less than 75% (instead of 70%) out of a possible 100% to receive credit for certification."

As additional requirements for the basic, intermediate, and advanced equivalency tests, the POST Council requested that MLEA devise accompanying questions on the justification and use of deadly force by law enforcement officers, the moral issues involved, and state and federal codes regarding this issue. After the POST Council approves the questions, they will be included in the written equivalency tests.

Further requirements govern an applicant's participation in firearms courses.

Bain said the procedures and guidelines for background investigations were drawn up in response to requests by people doing background investigations and are not "rules" but more like suggestions on how to proceed in an orderly way and where to look for various kinds of information. There is also a packet of sample forms, letters, and questionnaires that can be used.

CRIME PREVENTION . . .

(Continued from Page 1)

ed for a department to use McGruff on its letterhead or other printed matter: contact Mac Gray. Also for sale are complete and partial McGruff costumes.

At present some 36 national organizations and nine federal agencies belong to the Crime Prevention Coalition, including such diverse groups as AARP, Optimists, Federation of Women's Clubs, National Urban League, and the Army.

In the workshop's afternoon session, Gray led the attendees through a lengthy and detailed outline that should be useful as a resource for management and evaluation of local crime prevention programs.

Officer John McPherson of the Butte-Silver Bow Law Enforcement Department was project director of the workshop. McPherson is president of the Crime Prevention Association.

Index Crimes Up 10% In First Half of '80

Attorney General Benjamin Civiletti recently announced that the FBI's crime index showed a 10 percent rise in crime during the first half of 1980 compared with the first half of 1979.

According to figures released by FBI Director William Webster, all crimes comprising the crime index rose in volume. Among the violent crimes, murder was up 3 percent, forcible rape rose 12 percent, robbery increased 13 percent, and aggravated assault rose 7 percent.

In the property crime category, burglary jumped 12 percent, larceny-theft increased 9 percent, and motor vehicle theft was up 4 percent. Sufficient 1979 data were not available to establish reasonable trends for arson, the eighth index offense.

Cities of all sizes, as well as the suburban and rural areas, reported surges in the volume of crime in the first six months of 1980 as compared to the same period of 1979. The largest jump was recorded in the rural sector, which registered a 14 percent rise in the index, with a 4 percent increase in violent crime and a 15 percent upswing in property crime. Cities with populations over 50,000 and the suburban areas each registered 9 percent rises, while cities outside metropolitan areas reported an 11 percent increase.

Geographically, the reported upturns showed little variation. The northeastern, north central, and southern regions each recorded 10 percent rises, while in the western states the increase was 9 percent.

A comparison of figures for the first two quarters of 1980 with the same time periods in 1979 showed a 9 percent increase in reported crime for January through March, 1980, and an 11 percent increase for April through June.

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BAD CHECK PROBLEM . . .

(Continued from Page 3)

He attributes the flurry of bad checks, now at its worst, to general awareness of recent galloping inflation—the overblown value of goods—but says it seems to be leveling off and will probably continue to improve as the economy gets better. He also blames our "convenience-oriented society," saying it's so easy to write checks today, and all a person gets is a slap on the hand, or he figures that's all he will get, and it's not much of a deterrent.

New Business Meets a Need

Harry Allen started Minute Check, a collection agency, in May of this year in response to the burgeoning number of bad checks. This company takes the chore of contacting the passer and collecting the money off the shoulders of both banks and retailers. It has about 70 members and Allen expects that number to grow to 200.

For a modest fee per month, a merchant subscribes to the service, which normally results in the retailer's getting the full sum of the check. In each day's mail Minute Check receives the bad checks that were written to any of its members, and starts contacting the writers. The company exacts a penalty of \$6.50 from the passer. If all collection efforts fail, the merchant has to absorb the loss represented by the check.

At times the efforts of Minute Check blend with those of the county attorney's office.

That so many of the bad check passers are otherwise ordinary individuals and not professional criminals leads Allen to assume it's the times we live in and people's feelings of desperation that spur many to pass bad checks. Many individuals feel cheating isn't so serious a thing any more because everyone seems to be doing it.

Chamber Council Redoubles Efforts

Jerry Kurzenbaum, chairman of the Chamber of Commerce Business Law Council, reports his group has been addressing itself to the matters of bad checks and shoplifting/pilferage for two years but their activities have been fraught with frustration and dead ends. He is optimistic now about future efforts because there is a much larger showing among the business community as well as representation by judicial and prosecutorial personnel. Since the group has ready access to legal advice, it can be aware of the ramifications of any idea it puts forth for the various sectors—banking, business—to remedy the check situation. Such ideas might include arranging for monitoring checking accounts, being able to spot a bad check pattern developing and alerting the business community, or suggesting a law that would make a check a legal and binding instrument instead of a loose promissory note.

Other Avenues to Explore

The county attorney's office is helping with suggested changes in the law which would be introduced at the next legislative session and would make the writer of a bad check come to the attention of the law sooner. The state Crime Prevention Association, of which Weigel is a member, is working with merchants toward solutions. Weigel himself has been meeting with representatives of several Missoula banks to help formulate a program for merchants and to work on legislative changes. The police department could provide training for local business people. If other efforts bear fruit, area merchants would be able to subscribe to a 24-hour hotline that would furnish them immediate information on whether a check may be bad. With the check situation under attack on so many fronts, Missoula may succeed in reducing the problem.

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